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FISCAL IMPACT STATEMENT

LS 7616

BILL NUMBER: HB 1536

NOTE PREPARED: Jan 19, 2007

BILL AMENDED:

SUBJECT: Juvenile Offenders Detained in Jails.

FIRST AUTHOR: Rep. Reske

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that the juvenile law does not apply to a child who: (1) is alleged to have committed a crime that would be a felony if committed by an adult; (2) and has previously been waived to a court having felony jurisdiction (under current law, the juvenile law does not apply to felonies and misdemeanors committed under these circumstances).

The bill provides that juvenile law applies to a child who allegedly committed a violation of traffic law.

It provides that a juvenile court does not have jurisdiction over an alleged violation of a child charged with carrying a handgun without a license and dangerous possession of a firearm as a felony, rather than a felony or misdemeanor.

It also provides that a juvenile court may waive jurisdiction if a child is charged with certain acts that are felonies (rather than felonies and misdemeanors).

Effective Date: July 1, 2007.

Explanation of State Expenditures: *Automatic Waiver:* The bill modifies current statute and disallows the courts from automatically waiving a child to adult court if they have previously been waived to an adult court having misdemeanor jurisdiction. As proposed, juvenile courts would become responsible for the aforementioned cases. Adult courts would no longer be responsible for the cases. The number of cases in which this occurs is unknown; however, they are likely not significant in number. Actual impact on court time is likely minimal.

Juvenile Misdemeanor Handgun and Firearm Violations: Under the bill, the juvenile court would have jurisdiction over an individual who was at least 16 years old at the time of the alleged violation for an alleged misdemeanor violation of IC 35-47-2-1 (carrying a handgun without a license) and IC 35-47-10 (children and firearms). Current statute provides that the adult court holds jurisdiction over the aforementioned cases. The number of cases in which a child who was at least 16 years old committed a misdemeanor handgun or firearm violations is not known. Potentially, court time for the adult courts would decrease and court time for juvenile courts would increase under the bill. Actual increases or decreases would depend on the annual number of juvenile misdemeanor handgun or firearm violations heard before a court.

Under current law, a juvenile offender convicted of a misdemeanor handgun or firearm violation would be incarcerated in a county jail at a cost of \$44 per day. As proposed, the aforementioned juveniles would be incarcerated in either a county juvenile detention facility or Department of Correction (DOC) juvenile offender facility.

Counties are responsible for the cost of housing juvenile offenders in county juvenile detention facilities. County per diem costs for juvenile detention facilities range from \$70 to \$160 per day. Juvenile offenders committed to a DOC juvenile offender facility are paid for through a combination of local and state dollars. The average cost during CY 2005 to house a juvenile offender in a DOC facility was approximately \$173 per day. Counties are billed a daily rate of \$60 per day for each juvenile offender, and the state is responsible for the remaining cost.

As proposed, the state would experience an increase in expenditures for juvenile offenders convicted of misdemeanor handgun or firearm violations who would be housed in a DOC juvenile offender facility. The number of juvenile offenders convicted of a misdemeanor handgun or firearm violations is not known, however, are likely few. Actual cost increases to the state would be approximately \$113 per day per juvenile offender.

Counties would also experience an increase in expenditures under the bill. If the offender is housed in a county facility, the cost increase to counties would be between \$26 and \$116 per day. If the offender is housed in the DOC juvenile offender facility, the increase would be \$16 per day.

Background Information: As of January 2004, there were 24 juvenile detention facilities in 22 counties in Indiana, and statewide there were 1,031 secure juvenile detention center beds. The centers are in the following counties: Allen, Bartholomew, Clark, Dearborn, Delaware, Elkhart, Grant, Hamilton, Henry, Howard, Huntington, Jackson, Johnson, Lake, LaPorte, Madison, Marion, Porter, St. Joseph, Knox, Vigo, and Vanderburgh.

Misdemeanor Waivers: As proposed, the juvenile court would no longer be able to waive jurisdiction of a case to an adult court unless the child is charged with an act that is a felony. Under current law, the juvenile court is allowed to waive jurisdiction for felonies and misdemeanors. Current statute requires a juvenile court to conduct a full investigation and hearing prior to waiving a case to an adult court. Under the bill, juvenile courts would no longer be required to do so resulting in a decrease in court time. The juvenile court, however, would be responsible for holding proceedings for misdemeanor cases which would no longer be waived under the bill, increasing court time. Concurrently, adult courts would no longer be responsible for holding proceedings for the cases, reducing court time. The Indiana Judicial Center (IJC) reports that the number of misdemeanor cases waived from a juvenile court to an adult court is not known, however, the number is likely low. The actual change in court time is likely minimal.

See also *Explanation of Local Expenditures, Juvenile Misdemeanor Traffic Court Offenses*.

Explanation of State Revenues:

Explanation of Local Expenditures: *Juvenile Misdemeanor Traffic Court Offenses:* Under the bill, misdemeanor traffic court cases for defendants under the age of 18 would be shifted from adult court to juvenile court. Current law provides that the cases are overseen by adult court with the exception of Marion County traffic court cases. Those cases are overseen by the Marion County juvenile court, as is set in statute. As proposed, a shift in resources from adult traffic court to juvenile court might be necessary if a significant number of cases are involved.

Background Information: The Bureau of Motor Vehicles (BMV) reports that there were approximately 600 misdemeanor citations issued during CY 2006 which could have been committed by a person aged 16 or 17.

See also *Explanation of State Expenditures, Juvenile Misdemeanor Handgun and Firearm Violations*.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Counties; Courts.

Information Sources: Jeff Bercovitz, Indiana Judicial Center; Anne Valentine, Bureau of Motor Vehicles; Department of Correction.

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